

REMARKS

Claims 1-18 are pending in the present application. The Examiner finally rejected the claims under 35 U.S.C. § 102(b) as being anticipated by Wiser (US 6385596 B1). Applicants submit herewith a request for continued examination and submit this Amendment as the requisite submission pursuant to 37 C.F.R. § 1.114. With entry of this Amendment, Applicants amend claims 1, 5 and 9, cancel claims 4, 8 and 12 without prejudice and add new claim 19. Reexamination and reconsideration are respectfully requested.

The present invention relates to previewing and/or purchasing song data. A song data reproduction apparatus, as claimed in claim 1, can store performance data. The performance data contains not only the content of a music performance, but also reproduction limiting information for limiting a reproduction state of the content of the music performance. The apparatus identifies a usage right in terms of preview or purchase. If the usage right is for a preview, the apparatus reads the reproduction limiting information from the performance data and reproduces only a specified portion of the performance data according to the read reproduction limiting information. In this manner, the reproduction limiting information from the performance data eliminates the need to store a purchased version separately from a preview version. The stored performance can be reproduced as desired -- e.g., in preview form or in purchased form -- by reading the reproduction limiting information from the performance data.

Claim 1 as amended recites "a limiting information section that reads the reproduction limiting information from the performance data when the identified usage indicates the preview" and "a reproduction control section that specifies a portion of the performance according to the read reproduction limiting information, then reproduces only the specified portion of the performance data, and does not reproduce other portions of the content of the performance data than the specified portion."

Wiser does not disclose the above two recitations. Wiser discloses a client-server architecture with a music distribution center 124 and a client system 126 as illustrated in Fig. 1. Media data files 200 are stored in the master media file system 120 of the music distribution center and then delivered to a media player 116 of the client for playback. Each media data file 200 includes audio image or data 208 and clip information 214 as illustrated in Fig. 2 and described beginning at Col. 6, line 50. The clip information 214 defines the duration and starting time of a clip. (Col. 7, lines 56-62.)

It appears that the Examiner views the clip information 214 as meeting “reproduction limiting information” of claim 1. (See page 3, second to last paragraph of the Office Action.) However, claim 1 requires that the reproduction limiting information be read from the performance data and be used in specifying the portion to be reproduced. There is no disclosure in Wiser that media player 116 reads the clip information 214 from the media file 200 – where the audio image 208 is stored -- to control reproduction. Wiser, instead, discloses “media information” relating to the duration of the clip, data size and so on is first sent to the media player 116 by the delivery server 118. (Col. 15, lines 56-61.). The delivery server 118 thereafter streams the media data file 200 to the media player 116. (Col. 15, lines 62-63.) The audio image 208 of the streamed media data file is then played back “according to the provided *media information* parameters.” (Col. 16, lines 4-6; emphasis added.)

Thus, Wiser discloses that the media player previously acquires media information before receiving the media data file and uses this information to control playback of the audio image or data in the media data file. There is no disclosure of reading the clip information 214 in the media data file to control reproduction. That is, there is no disclosure of reproduction limiting information being read from the performance data and being used in specifying the portion to be reproduced. Accordingly, Applicants respectfully submit that claim 1 is not anticipated by Wiser. Applicants also respectfully submit that claims 2, 3 and 16, which depend from claim 1, are not anticipated by Wiser for at least the reasons set forth above.

Independent claim 5 has been amended to recite “reading the reproduction limiting information from the performance data when the identified usage right indicates the preview”, “specifying a portion of the performance data according to the read reproduction limiting information” and “reproducing only the specified portion of the performance data and not reproducing other portions of the content of the performance data than the specified portion.” It believed that Wiser does not disclose these steps in view of the discussion above. Accordingly, Applicants respectfully submit that claim 5 is not anticipated by Wiser. Applicants also respectfully submit that claims 6, 7 and 17, which depend from claim 5, are not anticipated by Wiser for at least the reasons set forth above.

Independent claim 9 has been amended to recite “reading the reproduction limiting information from the performance data when the identified usage right indicates the preview”, “specifying a portion of the performance data according to the read reproduction limiting information” and “reproducing only the specified portion of the performance data and not reproducing other portions of the content of the performance data than the specified portion.” It believed that Wiser does not disclose these steps in view of the discussion above. Accordingly, Applicants respectfully submit that claim 9 is not anticipated by Wiser. Applicants also respectfully submit that claims 10, 11 and 18, which depend from claim 9, are not anticipated by Wiser for at least the reasons set forth above.

Claim 13 is directed to a server comprising a transmitting section that transmits data of a song to a user terminal through the communication network. Claim 13 recites that the data of the song comprises “performance data representing a content of a music performance of the song and containing reproduction limiting information for limiting a reproduction state of the content of the music performance.” The transmitted song data, including the reproduction limiting information, enables the user terminal to “control the reproduction state of the content of the music performance in accordance with the reproduction limiting information.” In Wiser, the delivery server 118 transmits media information for controlling playback separately from the media data file having the audio image or data. The clip information 214 that is stored in the media file does not control reproduction. Thus, there is no disclosure in Wiser of transmitting song data having reproduction

limiting information for controlling the reproduction state of the content of the music performance. Accordingly, Applicants respectfully submit that claim 13 is not anticipated by Wiser. Applicants also respectfully submit that claims 14 and 15, which depend from claim 13, are not anticipated by Wiser for at least these reasons.

Applicants have added a new claim 19. Claim 19 recites “a limiting information read section that reads the reproduction limiting information from the performance data when the identified usage right indicates the preview” and “a reproduction control section that specifies one or more of the plurality of the reproduction functions according to the read reproduction limiting information, then enables only the specified reproduction functions for reproducing the performance data and disables other reproduction functions than the specified reproduction function.” It is believed that claim 19 is in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss the steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032043200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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